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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/634,876

08/06/2003

Hideki Iwata

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12/14/2005

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WASHINGTON, DC 20005

EXAMINER

ROJAS, BERNARD

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EJC

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/634,876 | Applicant(s) IWATA ET AL. | |
| | Examiner Bernard Rojas | Art Unit 2832 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-67 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-55, drawn to a micro-relay, classified in class 335, subclass 78.
- II. Claims 56-67, drawn to the method of making a micro-relay, classified in class 29, subclass 622.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as lithography, etching, chemical vapor deposition, etc.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species of the claimed invention:

Embodiment 1 – Figures 1-3 and 6A-6C.

Embodiment 2 – Figures 4 and 5.

Embodiment 3 – Figures 7 and 26-29.

Embodiment 4 – Figure 8.

Embodiment 5 – Figure 9.

Embodiment 6 – Figures 10 and 11.

Embodiment 7 – Figure 12.

Embodiment 8 – Figures 13 and 101-102.

Embodiment 9 – Figure 14.

Embodiment 10 – Figures 15A and 15B.

Embodiment 11 – Figures 16A-16C.

Embodiment 12 – Figures 17A-17C.

Embodiment 13 – Figure 18.

Embodiment 14 – Figures 19A-19C.

Embodiment 15 – Figures 20A-20C.

Embodiment 16 – Figure 21.

Embodiment 17 – Figure 22.

Embodiment 18 – Figures 23A-23C.

Embodiment 19 – Figure 24.

Embodiment 20 – Figure 25.

Embodiment 21 – Figures 30-32 and 35.

Embodiment 22 – Figures 33-34.

Embodiment 23 – Figures 36 and 56A-56D

Embodiment 24 – Figure 37.

Embodiment 25 – Figures 38-39.

Embodiment 26 – Figures 40-41.

Embodiment 27 – Figures 42-43.

Embodiment 28 – Figures 44-45.

Embodiment 29 – Figures 46A-46B.

Embodiment 30 – Figures 47A-47C.

Embodiment 31 – Figures 48A-48C.

Embodiment 32 – Figure 49.

Embodiment 33 – Figures 50A-50B.

Embodiment 34 – Figures 51A-51C

Embodiment 35 – Figures 52-53.

Embodiment 36– Figures 54A-54C.

Embodiment 37 – Figure 55A.

Embodiment 38 – Figure 55B.

Embodiment 39 – Figures 57-59 and 62.

Embodiment 40 – Figures 60-61.

Embodiment 41 – Figures 63 and 81-84.

Embodiment 42 – Figure 64.

Embodiment 43 – Figure 65.

Embodiment 44 – Figures 66-67.

Embodiment 45 – Figures 68-69.

Embodiment 46 – Figures 70A-70B.

Embodiment 47 – Figures 71A-71C.

Embodiment 48 – Figures 72A-72C.

Embodiment 49 – Figure 73.

Embodiment 50 – Figures 74A-74B.

Embodiment 51 – Figures 75A-75C.

Embodiment 52 – Figure 76.

Embodiment 53 – Figure 77.

Embodiment 54 – Figures 78A-78C.

Embodiment 55 – Figure 79.

Embodiment 56 – Figure 80.

Embodiment 57 – Figures 85-86.

Embodiment 58 – Figure 87.

Embodiment 59 – Figure 88A.

Embodiment 60 – Figure 88B.

Embodiment 61 – Figure 89.

Embodiment 62 – Figures 90-92C.

Embodiment 63 – Figures 93-95D.

Embodiment 64 – Figures 96 and 100.

Embodiment 65 – Figures 97A-97B.

Embodiment 66 – Figures 98-99B.

Embodiment 67 – Figure 103.

Embodiment 68 – Figure 104.

Embodiment 69 – Figure 105.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2832

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bernard Rye
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